

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TAMMY LOUISE BLASZAK,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

---

CASE NO. 1:21-CV-1093

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING  
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Berens' Report and Recommendation in this matter (ECF No. 29) and Plaintiff's Objections (ECF No. 30). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's Objections. The Court finds the Magistrate

Judge's Report and Recommendation, which recommends granting Defendant's motion to dismiss (ECF No. 24), is factually sound and legally correct.

The Magistrate Judge carefully and thoroughly considered the evidentiary record, the parties' arguments, and the governing law. In her objections, Plaintiff primarily reiterates and expands arguments she has already presented. Her objections do not address the Report and Recommendation in any persuasive way. To the contrary, none of Plaintiff's objections change the fundamental analysis. For the very reasons the Report and Recommendation details, Plaintiff's complaint is barred by sovereign immunity and thus dismissal of this action with prejudice is appropriate.

**ACCORDINGLY, IT IS ORDERED:**

1. The Report and Recommendation of the Magistrate Judge (ECF No. 29) is **APPROVED AND ADOPTED** as the Opinion of the Court.
2. Defendant's Motion to Dismiss (ECF No. 24) is **GRANTED**.
3. This case is **DISMISSED**. A separate Judgment shall issue.

Dated: July 7, 2022

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE